

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 357 OF 2004

Abdul Aleem Ismail Qazi ... Applicant

versus

Scindia Workshop Ltd. & anr. ... Respondent

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Mr. Amin Solkar with Mr. M.H. Banderkar, for the
Applicant.

Mr. A.P. Mundargi with Mr. G.H. Keluskar, for
Respondent No. 1.

Mr. D.R. More, A.P.P., for Respondent No. 2.

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CORAM : A.M.KHANWILKAR, J.

21st October 2004

P.C.:

. Heard Counsel for the parties. The present petition takes exception to the order passed by the Court below rejecting the application for condonation of delay in filing appeal preferred by the Applicant. Delay was of 339 days. Two causes were shown by the Applicant for condoning the delay. The first reason was

that due to non-payment of his salary by the Company since 1988, he could not file the appeal. The second reason is that due to his sickness, he could not take steps for filing appeal. Both these grounds have been carefully examined by the Court below and finding of fact reached that none of the grounds are sustainable, rather acceptable. On the said finding, the Court concluded that no sufficient cause has been made out for which reason it preferred to dismiss the application for condonation of delay. In my opinion, there is no infirmity either in the approach or the conclusion reached by the Court below in rejecting the application for condonation of delay. As the Applicant approached the Court with specific explanation and both reasons are found to be unacceptable on facts, in that case, no indulgence can be shown to such a litigant. Counsel for the Applicant, however, has placed reliance on the decision of the Apex Court in the case of Collector, Land Acquisition, Anantnag v. Mst. Katiji and others, reported in A.I.R. 1987 S.C. 1353 to contend that the Court should take liberal view of the matter. Indeed, the Court is required to take liberal view of the matter, but if the

litigant approaches the Court with false claim, as has been held by the Court below, in such a case, no indulgence can be shown to such litigant. On this reasoning, no interference is warranted with the order passed. Hence, dismissed.

(A.M.KHANWILKAR, J.)